# STATE OF MICHIGAN

# COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

        Plaintiff-Appellee,

v

GEORGE SLATER, JR.,

        Defendant-Appellant.

UNPUBLISHED
January 30, 2001

No. 217948
Wayne Circuit Court
LC No. 98-010648

Before: Markey, P.J., and Whitbeck and J. L. Martlew*, JJ.

PER CURIAM.

Defendant appeals by right his conviction of unarmed robbery, MCL 750.530; MSA 28.798, entered after a bench trial. We affirm.

Defendant was charged with armed robbery, MCL 750.529; MSA 28.797, in connection with a robbery at a convenience store. Complainant, the store owner, testified that after he opened the bulletproof cage to admit an employee, defendant entered the cage, struck him with a metal object and knocked him to the floor, and demanded money. Defendant lifted the cash register from the counter, then dropped it to the floor. Complainant shot defendant with his handgun. The police apprehended defendant after he ran from the store. Complainant denied that defendant attempted to pay for several items; however, one witness testified that complainant refused to accept money from defendant. A customer who was in the store at the time the incident occurred testified that he observed a person struggling with complainant, saw the cash register move, and heard complainant tell the person to take the money. Defendant testified that when he went into the store to purchase picnic items, complainant pointed a gun at him and told him to leave the store. Defendant acknowledged that he struck complainant but denied that he was armed when he did so.

The trial court relied on the testimony given by complainant and the customer witness but found defendant guilty of unarmed robbery because the evidence did not establish beyond a reasonable doubt that defendant possessed a weapon at any time during the incident. Thus, the trial court found defendant guilty of unarmed robbery rather than armed robbery.

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* Circuit judge, sitting on the Court of Appeals by assignment.

Defendant argues that the evidence was insufficient to support his conviction of unarmed robbery. We disagree and affirm defendant's conviction. When reviewing a challenge to the sufficiency of the evidence in a bench trial, we view the evidence presented in a light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Petrella*, 424 Mich 221, 268-270; 380 NW2d 11 (1985). The trier of fact may make reasonable inferences from evidence in the record, but may not make inferences completely unsupported by any direct or circumstantial evidence. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

The elements of unarmed robbery are: (1) a felonious taking of property from another; (2) by force, violence, assault, or putting in fear; and (3) being unarmed. *People v Randolph*, 242 Mich App 417, 419; 619 NW2d 168 (2000). Unarmed robbery is a specific intent crime. *People v Compian*, 38 Mich App 289, 294-295; 196 NW2d 353 (1972).

Complainant's testimony that defendant struck him in the head, demanded money, and moved the cash register, which contained in excess of $800, established that defendant used violence to take property that belonged to another. It was not required that defendant actually remove the property from the premises. Any movement of the property was sufficient. CJI2d 18.2(5). Evidence that defendant demanded money and then attempted to move the cash register supported an inference that he intended to deprive complainant of the property permanently. *People v Beaudin*, 417 Mich 570, 575; 339 NW2d 461 (1983). Testimony to the effect that complainant told defendant to leave the store did not contradict complainant's testimony that defendant struck him, demanded money, and moved the cash register. Viewed in a light most favorable to the prosecution, the evidence was sufficient to support defendant's conviction. *Petrella*, *supra*.

We affirm.

/s/ Jane E. Markey
/s/ William C. Whitbeck
/s/ Jeffrey L. Martlew